

# **ANALYSIS OF** **» THE EXPERIENCES** **OF VICTIMS**

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**OF CRIMINAL  
OFFENCES  
AND INCIDENTS  
MOTIVATED  
BY HATE**

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*“It’s such helplessness, horrible helplessness. You can scream and scream and the cases are thrown into a trash bin...”*

The Czulent Jewish Association is an advocacy organisation working to promote tolerance, foster attitudes of openness towards national, ethnic and religious minorities, with particular emphasis on countering antisemitism and discrimination, including intersectional discrimination.

As we follow the public debate on hate speech and hate crimes, which is increasingly present in the mainstream, we have noticed that it has become highly politicised. This is particularly evident with regard to the subject of antisemitism, which is downright instrumentalised and used as a political tool.

The politicisation and exploitation of hate thus affects the discussion about hate crimes. The focus is then not on the solutions and functioning of law enforcement agencies or courts, but on political “colours”. As a result, the victims lose their human dimension and become mere statistics.

Instead of focusing on how to eliminate the phenomenon, or on examining the rise of hate speech and hate crimes, we focus on the discourse regarding the uniqueness and tolerance of the “Polish nation”. This has an impact on the phenomenon of underreporting, whereas individuals and groups that need support and are particularly vulnerable to hateful attacks are afraid to report such attacks and seek support.

We have therefore chosen to focus our efforts on the victims. We have examined the respective stages, from the decision to report a crime to the final court verdict. The persons interviewed represented different social groups, which made it possible to learn about the experiences and emotions at each stage from different perspectives. In our interviews, we paid attention to the actors that appeared at various stages, which is why in our study, in addition to the police, the prosecutor’s office and the courts, non-governmental organisations and the media also appear.

We wish to thank our experts Marta Oracka and Jacek Mazurczak. As people with extensive experience in the subject and analysis of hate crimes, they conducted their research with respect to the perspective and dignity of the victims.

We are grateful to the Foundation Remembrance, Responsibility and Future (EVZ Foundation), thanks to their support we have been able to complete the project “Pre-project for the project: Strategic Litigation as one of the tools to fight against antisemitism on the Internet”. It is our hope that our work and research will contribute to supporting those at risk of such attacks and foster the comprehensive understanding of the challenges faced not only by victims of hate crime, but also by their attorneys, investigators, prosecutors and judges. We encourage you to build upon this research, as well as to develop and expand it further.

*Piotr Kwapisiewicz  
President of the Board  
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## Information on the survey and methodology

The survey process conducted provided a detailed image of the experiences of persons who have experienced a hate crime. These experiences have been recreated on a comprehensive spectrum of multilateral contacts between state authorities – government institutions – non-government institutions – own communities. Apart from the experiences, actual needs in respect of advisory and support services related to such experiences have been identified.

- The survey has been conducted by means of individual, in-depth online interviews lasting 90 minutes.
- Respondents were persons who experienced hate crimes (particularly on antisemitic grounds) online and reported this fact to law enforcement authorities.
- Total number of respondents: 10.
- Survey period: 1 July 2022–19 August 2022

### Characteristics of the surveyed communities

All respondents were socially engaged persons with a high social capital, belonging to the following minorities:

- Jewish minority;
- Ukrainian minority;
- Muslim minority;
- human rights organizations;
- women (hate crimes related to gender issues).

*“It is assumed to be like that – I am guilty, because I want to be myself”*

In the respondents’ opinion, just the fact of belonging to a social minority (religious, sexual) is conducive to behaviors having the elements of hate speech or actions inclined towards hate crimes. In respect to the above, the respondents are more exposed to this type of actions, but they are also more familiar with them. The fact of experiencing such behaviors for many years and the evolution of the approach to the issues of minorities in Poland have taught them to “let go” in many cases, for their own good, as well as for the good of the community.

A supportive approach to groups that, by definition, are more exposed to hate speech or criminal offences motivated by hate should assume that persons providing support are immersed in a particular minority community – they know its specificity, nature of activities, barriers and limitations. External support does not always take the special social or political conditions (e.g. of the Muslim minority) into consideration.

### Hate speech and hate crimes

The definition of hate speech is known to all the respondents. They also create their own definitions, such as the following:

- Hate speech is inciting behaviors harming others, offending others due to their identity or minority characteristics. It includes the intent to harm.
- A criminal offence motivated by hate is harming somebody, as defined in the Criminal Code, with intent of exercising hate resulting from identity or minority characteristics. It is based on an intentional action.

Respondents who are exposed to criminal offences themselves do not fully grasp the line where hate speech becomes a criminal offence. Being unaware of the clear rules that govern when hate speech becomes a criminal offence suggests that somebody with such knowledge is needed from the very moment a case is initiated, so that hateful intent of the criminal offence is not disclaimed by state authorities. Respondents also report a strong need for objective assessment of the situation by somebody who is familiar with matters of hate speech, so they can make sure that they understand their situation well.

### Accumulating knowledge on prosecution of hate crimes

As much as the respondents have a general knowledge on hate speech and hate crimes and know where to obtain such knowledge, it is hard for them to obtain knowledge on hate crime prosecution, as well as on procedures and practices in this respect. This knowledge is not provided by lawyers, who do not always know how such criminal offences are prosecuted. The situation is complicated by the lack of a uniform hate crime combating system and, in a way, by the natural lack of transparency of such procedures. As the result, this knowledge is acquired “by the way”, for example during interactions with officers during past training sessions, when drafting information materials on contacts with the police or as the result of own experiences. Although some of the respondents are very certain of their knowledge in this respect, this knowledge does not stem from reliable sources of information, such as the relevant internal police procedures or police textbooks.

At the same time, due to their high social capital, the respondents know who to address such questions to. Therefore, a natural channel for obtaining knowledge is provided through personal connections instead of clear procedures and the institutional system.

Since there is no clear hate crime combating system, there are no clear prosecution standards for such criminal offences, or knowledge of how to do it. It is necessary to consolidate and extend this area of knowledge, especially in areas that are most critical for reporting persons, e.g. what information the investigator may ask the aggrieved party to provide. Immersion into the communities experiencing discrimination also acquires special significance.

### Scale of hate speech and percentage of reported cases

In the opinion of the respondents, due to their experiences, the scale of hate speech and criminal offences motivated by hate is very high and intensified over the last years. Hate speech is the most common, followed by hate crimes, only a small part of which is report-

*“The fact that I encourage people to report and drag them into some kind of situations that can go on for years, months, [...] may also be totally psychically encumbering, such meetings and that they end with nothing.”*

ed to law enforcement authorities. An even lower number of cases are adjudicated to the benefit of the aggrieved parties and the guilty parties being held liable.

Currently, Poland has no reliable data on the percentage of cases reported, discontinued or processed – the latest data was published by the National Public Prosecutor’s Office for 2017. Based on the experiences of the respondents, there is a lot criminal offences, but they are not reported for various reasons. Very few cases are successfully closed. Therefore, a system is needed for monitoring cases from the actual event, through reporting, until closure, which could also serve as a source of data on the scale of the phenomenon in Poland.

#### Reasons for reporting or not reporting criminal offences motivated by hate

The strongest reason for reporting hate crimes is actual fear for the health and life of beloved ones, followed by:

- actual fear for one’s own health and life;
- sense of social responsibility;
- performance of a specific function in a minority organization – representation of the community;
- willingness to give an example to other aggrieved parties.

Social engagement really drives sense of responsibility. Therefore, it is necessary to spread information and share with the minority communities that if instigated, cases can lead to a positive resolution.

Main reasons for not reporting:

- Being accustomed to this kind of situations and a sense that it is intrinsically connected to minority identity
- Feeling of helplessness – most often, following previous reporting attempts that had a negative end
- Fear of further consequences – further slander and retaliation
- Feeling of helplessness in the minority community
- Fear of lack of legal knowledge on reporting and processing such cases
- No support from public institutions
- Feeling that the current “political climate” is not favorable for positive resolutions of this type of cases

An actual feeling of helplessness and lack of support indicates the need for support at an institutional level, breaking the legal and mental barriers of minority community members.

#### MAIN REASONS FOR REPORTING

#### MAIN REASONS FOR NOT REPORTING



## Hate crimes – experiences

### Actual hate crime experiences

All respondents have had numerous encounters with hate crimes directed both towards them and towards other persons from minority communities:

- verbal offences – in real life and online (offensive comments, offensive graphics, drawings, press and Internet articles);
- attacks on places of religious worship (offensive writings on walls, breaking window panes, devastation);
- physical assaults on minority parades (verbal and physical assaults towards participants of this type of events);
- personal threats (making a telephone number publicly available, publication of image and place of residence);
- personal physical assaults (battery).

The list of offences experienced is very extensive. Most of the experiences are not reported. Respondents feel that there is no chance for a positive resolution of many cases, for many reasons. Providing actual support in respect to reporting such cases is crucial – from education that this is possible and necessary, through support at the stage of case processing, up to dissemination of information on achieving a positive resolution.

### Course of cases concerning criminal offences motivated by hate

Hate crime experience that is reported is also preceded by many previous experiences related to hate speech or hate crimes that have not been reported for various reasons. The decision to report a case is the result of an individual decision or persuasion from the community and it penetrates a barrier which most often results from actual fear for oneself or one's family or from a sense of social obligation. Therefore, experiencing trauma and immersion in harm is an indispensable element of this decision.

Personal reporting:

- strong exposure to reluctance on the part of police officers
- officers without qualifications in respect to these matters
- attempts to persuade not to press charges
- not getting involved in issues related to hate crime
- need to monitor proper classification of the report (criminal offence motivated by hate)
- long waiting time, uncomfortable interview
- uncomfortable conditions – no privacy, oppressive space (gender-incorrect posters)

**POWERFUL EMOTIONS:  
TRAUMA**

**REPORTING**

**POWERFUL EMOTIONS:  
IMMERSION IN HARM**

#### Reporting by mail:

- possibility to prepare better argumentation and formulate the report properly
- possibility to use a complaint template (if one is found)
- possibility to use legal support or that from an NGO when drafting the report

As the result, it should be considered that filing a complaint by mail involves exposure to a smaller scale of discouraging actions.

#### First interview (when filing a report)

- numerous attempts (verbal and resulting from non-verbal pressure, e.g. the need to wait several hours to file a report) to discourage the report
- modifying the testimony to omit issues related to the hateful grounds
- oppressive space – no privacy, no intimacy, no information on one's rights on the walls
- laughing, using stereotypes: "And you, Muslims, are..."
- belittling the complaints: "You could just take some paint and paint it over [the Star of David on the gallows], that would do it".

Support is needed as early as at the stage of the first interview – one needs to know what and how to ensure to properly report a case.

#### Collecting the body of evidence

Collecting the body of evidence involves the return to the criminal offence experience and the occurrence of PTSD symptoms.

#### Personal collection:

- more certainty that nothing is omitted
- strong mental burden (return to the experiences)
- necessary engagement of friends
- seeking support from non-governmental organizations

#### Collection by the police:

- often no appropriate tools for collecting digital evidence
- no certainty that all evidence has been properly secured
- intentional omission of some matters

Unfortunately, in order to be certain that nothing is omitted, one needs to take care of the evidence collection stage themselves. Therefore, obtaining support at this stage is of particular importance, so that the aggrieved party does not have to do it personally or rely only on the police.

#### Starting the proceedings

- respondents do not always receive notification on the initiation of the proceedings;
- the need to individually check the current stage of the case;
- no information on case progress;

#### FIRST INTERVIEW

POWERFUL EMOTIONS:  
THE RETURN TO THE EXPERIENCE  
AND PTSD SYMPTOMS.

#### COLLECTING THE EVIDENCE

#### STARTING THE PROCEEDINGS

- no information on further stages of the proceedings.

The course of the proceedings still needs to be individually supervised to know what is happening and what comes next.

#### Discontinuation of proceedings

Discontinuation of proceedings involves a strong feeling of helplessness. There were various reasons for discontinuation: lack of evidence, not finding the offender or low social harm. From the viewpoint of the respondents, they were an effect of intentional actions of the police or public prosecutor's office resulting from the acceptance from their superiors. In general, the respondents did not file any complaints after receiving the information on discontinuation. The respondents declared that most of the cases reported by them had been discontinued.

#### Contact with the public prosecutor

- difficult contacts with the public prosecutor and, in general, a complete lack of such contacts;
- lack of public prosecutors specialized in this type of cases;
- conducting the case following the most legible thread without going into details, e.g. the details in relation to the actual offenders;
- the respondents presume that there is top-down pressure on this type of cases.

The contacts with the public prosecutor's office, if any, are difficult. In this context, the respondents referred to the political situation, which is unfavorable for the cases concerning hate crimes.

#### Court proceedings

Similarly to the contacts with the public prosecutor's office, the court proceedings continuously involve the feeling of helplessness. During the court proceedings, this was a result of non-professional behavior of judges who made stereotypical comments and of difficulties with bringing the witnesses. The presence of observers in the courtroom mobilizes the court to professionally conduct the case. The court decisions do not address the discriminatory motivations of the offenders and their principals.

In the course of the entire case, there are many strong emotions – related to the PTSD symptoms, but also to (systemic) helplessness or solitude. The entire process is emotionally very difficult for the aggrieved persons. To add to this, the case needs to be “supervised”, so that its course is in the right direction, all evidence is properly collected and secured and the hateful motivation is not omitted. The respondents feel very alone in this entire process – they seek support amongst friends connected with non-governmental organizations.

**POWERFUL EMOTIONS:  
HELPLESSNESS**

**POWERFUL EMOTIONS:  
POWERLESSNESS**

**COURT PROCEEDINGS  
INTERVIEWS OF WITNESSES**

**POWERFUL EMOTIONS:  
POWERLESSNESS  
PTSD SYMPTOMS  
HELPLESSNESS  
OR SOLITUDE**

*“It is already such a feeling of systemic helplessness. You stand alone against the machine of the entire institution and you cannot do anything.”*

## Human rights defenders

The human rights defenders experience a different type of hate crimes and face different challenges:

- they are recognizable within their communities, they often feel they are targets, also for authorities.
- The criminal offences committed to their detriment are directed against them personally, often in the form of organized campaigns. This means hanging posters and disseminating graphics with images of these persons, calling to violence, rapes and murders, as well as harassment, for example, by publishing their phone numbers on pornographic websites.
- These are persons with high agency, who need to confront their own weaknesses and fear for their loved ones during organized hate campaigns. For this reason, they require special psychological support and, in the course of their activities, also professional supervision.
- The human rights defenders need special forms of protection and consultations within the scope of security. They often made their address publicly known by registering the seat of their organizations at their homes; they do not know how to safely move around the city or how to arrange their workplace to be safe.
- The situations when authorities stand against the human rights defenders are particularly severe and dangerous. The extremist circles know that they have more freedom to act, and the aggrieved parties are additionally burdened with the necessity to confront the authorities.
- Despite the fact that the offenders often believe that human rights defenders are members of the communities which they support, it is effectively challenged how much the human rights defenders may invoke the hate crimes laws.

Human rights defenders need a separate, constant protection program, which will ensure an ongoing access to psychological supervision, security audit and, in a crisis situation, to high-class lawyers, psychologists and other specialists, e.g. within the scope of security or crisis PR.

## Assessment of parties to the proceedings

### Police

The police as a party to the proceedings is assessed as follows:

- officers with very little qualifications to conduct this type of cases – lack of knowledge and willingness in respect to hate crimes, feeling that these cases are controversial;
- lack of specialized officers with expert knowledge on the subject of hate crimes (in the respondents' opinion, some units had specialized officers in 2016);
- low detection rate – unwillingness to receive complaints due to police statistics;
- intentional actions in order to make the aggrieved party resign from filing a complaint;
- using minority stereotypes;
- evidentiary motions are generally implemented in the course of the proceedings;
- problem with non-cliched thinking and reading the laws;
- lack of skills, as well as personnel and technical resources, for collecting digital evidence;
- weak cooperation between the units conducting the proceedings and units combating cybercrimes;
- oppressive space – no intimacy, no privacy, police rooms with gender-offensive posters;
- the actions after receiving protection are assessed positively, but the police itself does not promote protection;
- intentional omission of issues related to hateful motivation;
- the lack of quick and resolute actions causes concerns whether the police does not favor the offenders.

*"I believe that they do not have the competencies and tools. If they also have no good will, while this is a job like any other, you know how it ends."*

The aggrieved party needs to direct the officer on the right route in order to ensure that the complaint is received and properly described in respect to hateful motivation. It is a very large burden and pressure due to strong emotions experienced at that moment. Even the very socially proficient respondents (with experiences in relation to providing testimonies at the police) have declared that this moment is hard and demanding.

### Public prosecutor's office

The public prosecutor's office as a party to the proceedings is assessed as follows:

- lack of qualified prosecutors delegated for this type of cases;
- unfavorable political atmosphere – the respondents feel that there is a top-down pressure to discontinue the hate crime cases;
- conducting the proceedings along the thread which is the easiest to resolve and prove (e.g. physical assault), often omitting the hateful motivation or extended group of aggressors;

*"When I called there and tried to find out why this case takes so long, they told me that I can possibly initiate a civil-law action. [...] I was simply ignored."*

- difficult cooperation between the police and the public prosecutor's office;
- the public prosecutors have more independence in comparison to the police. However, the respondents note that the public prosecutors who effectively combat hate crimes are sometimes transferred to unattractive district public prosecutors' offices in different parts of Poland, which makes their successors to be "more careful" later on;
- the respondents feel that public prosecutors talk with them from superior positions and look down on them;
- as much as some of the respondents have experienced joint trainings with the police, this has not happened in the case of the public prosecutors' offices. Therefore, the networking of the public prosecutors' offices is worse than in the case of the police.

The respondents feel helpless in relation to how the system works. This is another stage to supervise despite limited resources and possibilities.

### Court

The court as a party to the proceedings is assessed as follows:

- the activities of the court have been positively assessed only in one case (civil-law case won by the aggrieved party);
- the other experiences in relation the court proceedings are negative – the judges allowed themselves stereotypical remarks, not all matters were duly examined and detailed;
- the presence of observers from human rights organizations results in a more reliable conduct of the proceedings;
- non-governmental organizations may also actively participate in the court proceedings as social representatives. However, the knowledge of the judges in this respect is not sufficient;
- in the respondents' opinion, judges do not actively use their authority and do not want to supplement their knowledge. They do not summon experts or invite non-governmental
- organizations to participate in the proceedings or to observe the proceedings by their own initiative.

Only the presence of observers provides a possibility to "control" the work of courts.

### Public institutions

Public institutions as parties to the proceedings are assessed as follows:

- only the Office of the Commissioner for Human Rights has appeared as a supporting public organization, other public institutions did not appear at any stage of the cases and experiences analyzed;
- the respondents have often had contact with the Commissioner for Human Rights thanks to their connections, they simply knew Adam Bodnar's phone number. Based on the collected data, we cannot assess the efficiency of the Office of the Commissioner for Human Rights in the case of reaching this institution by standard means.

*"The public prosecutors talk with you like you were an idiot who does not understand anything. They want you to get lost as soon as possible. <<Don't give me this story, I know better.>>"*

*"Some judges do not know about various possibilities to be present in the courtroom, provided by law."*

*"If the politicians use hate speech – we all know how they speak and what they say – how can their institutions help us?"*

First of all, the aggrieved parties do not trust the public institutions; secondly, they do not know at which institutions they could look for support or aid. The public or governmental institutions are not a reliable partner in the system which generally leaves the aggrieved party without support and care, striving not to process cases on hateful basis.

### Non-Governmental Organizations

As a party to the proceedings, the NGO's are assessed as follows:

- Non-governmental organizations provide support to the respondents, who indicate HFHR, Citizens of Poland, HejtStop, Batory Foundation. As people with extensive social experience, they have numerous friends in such institutions, whom they reached out to first.
- Non-governmental organizations strictly immersed in minority communities do not venture into the legal aspects.
- However, non-governmental organizations, considering their current resources, are not capable to provide hate crime victims with broad support. They did not participate in all cases and the support provided has often been a result of connections.
- Specialized organizations have problems with obtaining the status of an aggrieved party in cases related to hate speech. It is therefore crucial to cooperate with a minority organization that has larger chances to obtain the status of an aggrieved party and, therefore, greater rights within the proceedings.

*"I knew who can help me, but I don't know if a normal person would know where to go and to whom."*

In the respondents' opinion, a support organization focused on providing support in respect to processing hate crime cases should be immersed in minority communities. Qualified people, familiar with the specific features of a particular community, their problems and difficulties and, at the same time, well-versed in legal matters and the mechanisms to convert this into actual support are much needed in the community.

### The media

As a party to the proceedings, the media are assessed as follows:

- the worldview option propagated by the actual media outlet engaged in the case is crucial. Socially engaged media follow-up on these subjects eagerly, but they themselves often become the object of hate from antagonizing circles;
- in general, contact with journalists is based on private contacts;
- the media are needed to provide coverage for cases that resulted in conviction, because they show a broad perspective both to the minority and the attacking circles (message: you cannot do such things and go unpunished).

*"The media may help, but they can also do harm. In reality, somebody should also guide you in contacts with the media."*

In addition to informing the minority circles about the cases won, it is justified to consider creating a nation-wide medium focused on these subjects.

### Portal administrators

Portal administrators, as a party to the proceedings, are assessed as follows:

- Respondents complain about the sluggishness and lack of transparency in the procedures for removal of hate speech.

- Respondents are not clear on which national law and which definitions should be applied when examining hate speech cases.
- Reports are examined through online forms, for which a standardized reply is received, making the respondents feel that they are sending the reports “into the cloud” and are uncertain if they are accurately verified.
- Rules for cooperation with social networks, such as Facebook, are unknown to the respondents, also to those who are active in non-governmental organizations.
- Social networks operate from a position of power towards law enforcement authorities. They expect these authorities to conform with their internal procedures. Unfamiliarity with these procedures on the part of law enforcement authorities results in not receiving the data necessary for the proceedings, which then results in discontinuation.

*“I have no illusions about what Facebook is for – it is not a public platform, but a private company, the purpose of which is to earn money.”*

In order to effectively combat hate crimes, it is necessary to tighten cooperation with social networks. An intermediary, who would explain how to obtain the appropriate status of a trusted entity to organizations, and provide instructions for law enforcement authorities on how to send data requests would be useful.



## Directive 2012/29/EU of the European Parliament and of the Council

Based on the accounts of the respondents, rights arising from the so-called „Victims’ Directive” are not fully observed at any stage of the proceedings:

### Filing a report

- No obstacles for the involvement of an accompanying person (Article 3 section 3)
- In general, respondents have received no report receipt acknowledgement (Article 5 section 1).

### Interview

- Special rooms are not used for the interviews (Article 23 section 2), the interviews are also conducted in the presence of third parties.
- Respondents received instructions, but they are considered to be unclear and treated as a formality, not a source of information.

*“It is some kind of a monstrous language! I had to read it three times to get what it is all about.”*

### Preparatory proceedings

- Protection is granted in the most serious cases and is assessed as professional (Article 21).
- Respondents have been informed about the end of the proceedings, but they had large difficulties with obtaining information on the state of the case (Article 6).

### Court proceedings

- Courts do not use solutions minimizing contact with the offender (Article 23 section 3). Online hearings are a good practice, but they are used rather because of residing at a distant location or the pandemic rather than for the good of the aggrieved party.

The aggrieved parties do not feel that the authorities conducting the proceedings care for their right to understand and be understood (Article 3). This applies to all stages of the proceedings and is particularly visible in the language used in written correspondence with the aggrieved party and lack of contact with the person conducting the proceedings.

## Gender aspects

### Criminal offence.

When the offender wants to additionally hurt the aggrieved woman, they refer to gender with words such as “Ukrainian whore”, “Jewish princess” and incites to rape or shaving the woman’s head.

### Experiencing a criminal offence.

The experience of persons aggrieved by a criminal offence is without any difference due to gender, they feel the same fear focused on their family members, they report similar needs.

### Reporting a criminal offence.

In general, the respondents, regardless of their gender, feel that the law enforcement system is hostile towards them. Some of the interviewed women reported difficulties with the male-dominated nature of law enforcement authorities and challenging their knowledge as women. Women also do not expect the gender dimension of the criminal offence to be included. Posters with nude women hanging around are still a problem.

*“I am also aware that it is a very common strategy among haters. Referring to sexuality is very frequent, but I do not remember the police officer asking me about anything like this or even having this perspective. [...] For sure, it was not like that there was any consideration given to the broader context.”*

## Hate crimes – enhancements are needed

The central problem behind low reportability of hate crimes is the lack of political will, which prevents the creation of a system for combating hate crime, lowers the effectiveness of hate crime prosecution and diminishes the motivation to file complaints. The analysis of experience and needed support shows that the system for improving the processing of hate crimes should be based on 3 pillars (3-step support system):

1. Thorough restructuring of the public system model:
  - training for officers focused on such type of criminal offences;
  - report template that accounts for hateful motivation;
  - training for public prosecutors;
  - support in court trials – impartial observers;
  - psychological support for the aggrieved parties.

In the respondent's opinion, there is no chance for such a transformation of the model to happen under the current political situation in Poland.

2. Immersion in the community:
  - functioning within the community – dedicated people who will be immersed in the community and be experts on the subject of criminal offences motivated by hate;
  - educating minority communities within the scope of the rights in respect to hate speech and hate crimes;
  - promoting cases that reached a successful conclusion – demonstrating that you can “win against the system”.
3. Dedicated non-governmental organization:
  - an organization that, once the aggrieved person contacts them, comprehensively monitors the stage of reporting the case, secures evidence, then contacts the police, public prosecutor's office and provides support in the court trial;
  - comprehensive service for the aggrieved party in respect to support and case processing;
  - support from the stage of verifying whether the event meets the prerequisites of a hate crime, until the end of the trial.

### TRANSFORMING THE SYSTEM MODEL

### SUPPORT FOR MINORITY COMMUNITIES

### SUPPORT FOR REPORTING CASES AND PROCESSING

## Summary and final conclusions

1. Currently, the hate crime processing model in Poland is not working at all – it is hard to talk about enhancements, we should rather talk about its thorough restructuring (a systemic and political problem).
2. A high social capital level is the common denominator of all respondents. Since there is no hate crime combating system, respondents seek connections at key institutions. Even if they meet some engaged officers, they consider it to be a coincidence or a consequence of using their connections.
3. Due to the political changes since 2015, aggrieved parties do not trust the political institutions as such and do not seek support from public institutions. They treat the contact with such institutions as a minefield and believe that hate crime cases are swept under the carpet.
4. Changes in the awareness of minority identities, in particular their larger visibility, are related to growing risk of experiencing hate crimes. There is therefore an urgent need to immerse the organizations dealing with hate speech and hate crimes in the individual minority communities.
5. It is difficult for the respondents to decide whether a particular case of hate speech constitutes a criminal offence that qualifies for reporting to law enforcement authorities. They need a trusted person to reach out to in order to confirm their beliefs.
6. It is very hard to learn about the functioning of law enforcement authorities and the practice of combating hate crimes. Therefore, activities meant to collect such knowledge, verification of beliefs in respect to the applicable procedures, especially those relating to the contact of the aggrieved party with law enforcement authorities, are needed.
7. A system, which allows the aggrieved party to minimize their engagement in the process, especially as time goes by, is necessary. This will not only allow to increase the chances for a positive outcome of the proceedings, but it will also lower the risk of repeated victimization.

8. There is a common belief amongst the respondents that chances for the proceedings to end with a success are faint. Positively resolved cases that could be given extensive coverage are needed. However, they should include the existing image of law enforcement authorities and provide a reliable proof to believe, e.g. engagement of a specialized non-governmental organization, participation of experienced people.
9. The persons aggrieved by a criminal offence require comprehensive support to handle the need to supervise the proceedings at every stage and actively participate in the proceedings, as well as due to strong emotions of the aggrieved party – a feeling of helplessness and threat to their beloved ones.
10. Human rights defenders require a separate protection program resulting from an increased threat of violence.
11. Cooperation with the parties to the proceedings is difficult, but it can be effective if it will be conducted by experienced entities. Evidentiary motions are generally admitted and their rejection makes it easier to appeal against any discontinuations later on.
12. Minority organizations do not directly engage in legal matters, therefore, they need support from specialists.

## Team biography (alphabetically)

### Joanna Grabarczyk-Anders - consultant

A specialist in the subject of hate crimes and cyber security. A co-founder of the Hejtstop campaign. A consultant for the Jewish Czulent Association. Author of research on the scale of crime, hate speech in IT services for DG Justice and NGOs. She provides lectures for the police, content administrators, NGOs and institutions.

### Piotr Kwapisiewicz - editor / program coordinator

A social activist, he has been involved in advocacy, public participation and countering antisemitism for over 15 years, former fellow of the Office of the United Nations High Commissioner for Human Rights (UN/OHCHR). As an expert, he worked with the Office for Democratic Institutions and Human Rights (ODIHR / OSCE) to develop a platform for reporting of hate crimes and hate speech. He works to increase minority participation by training and initiating coalitions, partnerships, cooperation of national, ethnic, religious minority organizations with local and government administrations. From 2016 to 2021, he was a member of the Interdisciplinary Team for cooperation on the implementation of the "Open Krakow" program, an advisory body to the Municipality of Krakow. An alumnus of the School of Leaders of the Polish-American Freedom Foundation. He currently serves as the President of the Board of the Jewish Association Czulent, a Jewish advocacy organization.

### Jacek Mazurczak - researcher / author of the report

Chief Expert on Hate Crime Monitoring at the Ministry of Interior and Administration from 2014 to 2016. He is working on a PhD in radicalization, extremism and terrorism at the Institute of Philosophy and Sociology of the Polish Academy of Sciences, he also collaborates with the Center for Research on Extremism at the University in Oslo. The Chairman of the Council of the Institute for Social Safety. Author of numerous training publications on combating hate crimes and protecting human rights for law enforcement agencies. He has taught at, among others, the European Union Agency for Law Enforcement Training (CEPOL), the Organization for Security and Cooperation in Europe, the Police Academy in Szczytno and the Police Training Center in Legionowo. He has experience in preparing expert opinions on hate speech and extremism on behalf of police units, prosecutors and courts of various instances.

### Marta Oracka - researcher / author of the report

A researcher with over 12 years of experience in carrying out research studies (qualitative, qualitative-quantitative and quantitative). A graduate of: Collegium Civitas in Warsaw (master's degree, specialising in social and marketing practical research), Jagiellonian University in Krakow (bachelor's degree, knowledge of culture - cultural anthropology). Areas of research conducted: Usage & Attitude (needs motivations, experiences),

consumer insights, brand (strategy, positioning, communications), advertising (pretests), customer relationship management (Customer Journey Mapping, experience and satisfaction research), products (innovations, optimizations).

#### [Anna Makówka-Kwapisiewicz - consultant](#)

A historian, a journalist, and an expert in social involvement and human rights protection. Since 2016 she has been cooperating with the National Democratic Institute for International Affairs as a project coordinator for Poland, implementing projects strengthening political organizations and Civil Society Organizations (CSO) and promoting citizens' participation, government transparency, and reliability. An expert with 17-year experience in advocacy and fostering attitude of openness towards minorities and preventing antisemitism and discrimination. In her international work, she focuses on CSO support and development of Civil Society Organizations that promote inclusive society, preventing discrimination and hate crimes. She has cooperated, among others, with the Organization for Security and Co-operation in Europe (OSCE), European Liberal Forum (ELF), European Union Agency for Fundamental Rights (FRA), the Polish Civil Rights Ombudsman, Religions for Peace, Friedrich-Naumann-Stiftung, International Council of Jewish Women (ICJW), American Jewish Committee (AJC). In the years 2010-2020, she was a Chairwoman of the Jewish Association Czulent, where she focused on advocacy and coalition projects. She uses her experience as an anti-discrimination trainer and coach in her educational work.

## Jewish Association Czulent

The Jewish Association Czulent is an independent, non-profit advocacy organisation with the status of a non-governmental organisation of national minorities. The Association brings together experts belonging to the Jewish community in Poland.

As an advocacy organisation, the Association works to promote tolerance and shape attitudes of openness towards national, ethnic, and religious minorities, emphasising countering antisemitism and discrimination, including cross-cutting discrimination.

As part of its activities, the Association cooperates with domestic and international institutions, working on a global scale. Czulent is a member of the International Council of Jewish Women (ICJW), Coalition of Equal Opportunities and ENCATE European Network Countering Antisemitism Through Education.

The Association's priority tasks include:

### [Advocacy and watchdog activities.](#)

The Association works through political, social and legal advocacy, creating and implementing innovative educational solutions. By building a coalition to promote tolerance and shaping attitudes of openness to national, ethnic and religious differences, emphasising actions condemning antisemitism, racism and discrimination. By cooperating with institutions, public administration and dialogue bodies, the Association contributes to changes in the society's attitudes and Polish law provisions regarding tolerance and racism. The Association cooperates with OSCE Office for Democratic Institutions and Human Rights (ODIHR), American Jewish Committee Central Europe, National Democratic Institute, European Network Against Racism (ENAR), Polish Commissioner for Human Rights, and the Union of Jewish Religious Communities in Poland.

### [Strengthening the Jewish community.](#)

The Association aims to build alliances and coalitions and initiate the creation of legal instruments, programs, and strategies that enable and support Jewish institutions in developing the Jewish community. Furthermore, the Association works to build a strong sense of community and cooperation within Jewish organisations in Poland.





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